

REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-27. No claims have been amended, canceled or added. Hence, after entry of this Amendment, claims 1-27 stand pending for examination.

Claims 1-9, 11, 12, 14-16 and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,012,035 to Freeman, Jr. et al. ("Freeman") in view of the cited portions of U.S. Patent No. 4,491,725 to Pritchard ("Pritchard").

Claims 10, 13, 19, 20 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Pritchard as applied to claims 1 and 11, and further in view of the cited portions of U.S. Patent No. 5,070,452 to Doyle, Jr. et al. ("Doyle").

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pritchard in view of Doyle.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Pritchard and Doyle as applied to claim 20, and further in view of the cited portions of U.S. Patent No. 6,108,641 to Kenna et al. ("Kenna").

Rejections Under 35 U.S.C. § 103

The Applicants again traverse and respectfully request reconsideration of the pending rejections. The cited references do not teach or suggest all elements of the pending claims, thereby rendering the rejections invalid for failure to establish a prima facie case of obviousness. The Applicants' arguments are set out in further detail hereinafter.

In its prior response, the Applicants argued that the cited references do not teach or suggest "receiving at a financial transaction processing computer system a member identifier relating to the member." The present Office Action appears to concede this, stating that "[t]he

applicant's invention is not performing a financial function; rather it is checking eligibility as no payments are being exchanged thereby rendering the applicant's arguments non-persuasive." (See, final Office Action at p. 14.) This does not appear to be a valid rejection. A cited reference's failure to teach or suggest a particular claim element is not rendered acceptable by defining what the claimed invention is not, which is what the pending Office Action argues. Moreover, even if the quoted statement above is true, which the Applicants do not concede, it is not relevant for rejection of the claims. Hence, the rejection of claim 1 is improper.

The Applicants respectfully request reconsideration of the rejection in view of the ensuing, non-limiting, exemplary description of a specific embodiment of the claimed invention. An insurer or insurance claim processor issues to its insured customers a health insurance card that looks similar to a traditional credit card. That is, it includes a magnetic stripe and an embossed "account number." Although the account number is not necessarily a credit card number, it is recognizable by a credit card processing system (claim 2) because it has the same format, and it may be read by a preexisting credit card processing point-of-sale device. Moreover, it may be transmitted to a "financial transaction processing computer system" (claim 1) that is programmed to interpret it as a member identifier of an insurance customer (claims 3 and 17) and process it accordingly. Further still, rather than entering a purchase amount as is the case for a typical credit card transaction preauthorization, a "dollar amount" is entered that is indicative of an insured member (e.g., a particular family member, claims 5 and 12). Hence, embodiments of the claimed invention have the advantage of being able to use a pre-existing credit card transaction processing network, including the "financial transaction processing computer system" as recited in claim 1, to determine an insured member's insurance eligibility. This renders moot the pending Office Action's stated reason for dismissing the relevance of the "financial transaction processing computer system" recited in claim 1, the "credit card processing system" of claim 2, and the "individual code [] received in a format relating to currency" element of claims 5 and 12, and the "account number on credit card format" of claim 17. These claims are, therefore, believed to be allowable, at least for the foregoing reasons.

Moreover, the Office Action did not address the deficiency in the motivation cited in the initial Office Action. For completeness, the Office Action must respond to all material traversed. The pending Office Action did not do this. Hence, claims 1 and 11, and all claim depending therefrom are believed to be allowable, at least for this additional reason.

Claim 22 includes elements similar to those discussed above and are believed to be allowable, at least for similar reasons.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the foregoing reasons.

Conclusion

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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